



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA TEACHERS UNION, LOCAL 1044,  
AFL-CIO

Petitioner

and

CITY OF NASHUA SCHOOL DISTRICT

Respondent

CASE NO. T-0333:1

DECISION NO. 90-21

#### APPEARANCES

Representing Nashua Teachers Union, Local 1044, AFL-CIO:

Emmanuel Krasner, Esq., Counsel

Representing Nashua School District:

Mark J. Bennett, Esq., Counsel

Also appearing:

Berard Masse, Superintendent  
Joseph Guiliano, Assistant Superintendent  
Jane Bangert, Personnel Director  
Robert Bettincourt, Principal  
Viginia Lewis, R.N.  
Veronica Williams, R.N.  
Jan Ethier, R.N.  
Ann Vose, R.N.  
Edward Phaneuf, President Nashua Teachers Union  
Hugh Watson, N.H.S.B.A.

#### BACKGROUND

On May 25, 1989 Nashua Teachers Union Local 1044 AFL-CIO (Union) petitioned PELRB to modify the existing teachers bargaining unit to include the position of school nurses. The current bargaining unit includes Teachers, Speech and Hearing Teachers, Guidance Counselors, Reading Consultants, Nurse-Teacher, Department Chair Persons, Specialists, Librarians and Head Teachers. The modification requests cites in support of its petition.

- (a) Changes in duties, i.e., nurse-nurse teachers.
- (b) Health functions previously handled by nurse teachers now handled by school nurses.
- (c) Job description of school nurse revised in 1982.

- (d) Elimination of nurse teacher positions.
- (e) School nurses' self-felt community of interest with teachers.
- (f) Direct services provided by school nurses to students in terms of both counselling and instruction as do teachers, guidance counselors, etc...

The Nashua School District (District) by way of answer to the petition;

- (1) Agreed that revisions of nurse duties had taken place and
- (2) that school nurses did provide direct services to students but the services are substantially different from those services provided by the teacher, however,
- (3) that the school nurses are supervised by a health coordinator,
- (4) do not have the same community of interest with other members of the bargaining unit,
- (5) that the actual concern of the school nurses is their pay level and not membership in the bargaining unit, and
- (6) that the modification issue more properly should be addressed by collective bargaining rather than the proposed modification approach.

Hearing in this matter was held on September 7, 1989 at the PELRB office in Concord, New Hampshire.

The Union offered several exhibits, the original recognition of the bargaining unit in prior contracts, job description of nurse, nurse-teachers from 1975 to 1982.

Nurse Jan Ethier offered testimony on her 14 years experience as a school nurse, attendance at staff meetings with teachers, daily work schedule, close association with teachers, many changes in duties since original bargaining unit formed, instruction offered students in hygiene and health care on daily basis, illness situation such as epilepsy and its effect on classroom students, doing much more teaching than was done in 1975 when teachers were part of the certified unit but since have been removed from the unit.

Nurse Virginia Lewis, testified as to her responsibilities for teaching sex education, film showings followed by questions and answers for both boys and girls, requirement for catheterization of some students on a daily basis, others with gastric tubes and must be fed, etc..., and her work with the guidance counselors in individual student situations.

Nurse Veronica Williams offered testimony on her duties as school nurse in conducting sex education starting with Grade 7, classes on bullemia, anorexia, child pregnancy, etc.

Nurse Ann Vose, testified as to her teaching duties of personal hygiene and infestation.

Superintendent Berard Masse testified on the difference between nurses and nurse-teachers as it previously existed and its present day requirement and changes, method of hiring teachers versus support personnel, evaluation process for both teacher and nurses and his opinion that nurses are health care professionals in Unit B and Unit A is made up of instructional professionals. He discussed job description differences, method of hiring and retention. He added that the subject of nurse inclusion in the teacher unit had been the subject at negotiations, but not resolved as the School Board resisted their inclusion in the teacher unit.

Assistant Superintendent Joseph Guiliano also offered testimony regarding job description, their views of duties, community of interest, school principals' responses to questionnaire from Union relative to their views of the nurses' professionalism, participation in workshop and utilization as a resource person in health education. Their general response to the questionnaire indicated school nurses did in fact teach basic health principles.

Principal Robert Bettincourt, testified as to the utilization of nurses as a valuable resource person to teachers which is very essential, however, they did not participate in examination of grading of students. He further added that school nurses report directly to the principal.

#### FINDINGS OF FACT


Considering all written and oral testimony presented by the parties the Board makes the following findings:

1. School nurses in the Nashua School District do have more of a community of interest with teachers than with a support group.
2. School nurses' duties have changed substantially since their earlier inclusion in the teacher unit and formation of Unit B when they were considered part-time employees. The change in duties and responsibilities are of professional caliber.
3. Instructional duties are part of the school nurses' duties especially in the areas of substance abuse, sex education, hygiene, scoliosis and infectious diseases.

#### ORDER

There is a sufficient number of school nurses in the Nashua School District to meet the requirements of RSA 273-A and the Board's Rules and Regulations to form their own unit if agreeable to both the District and the nurses. Barring such agreement, PELRB grants the petition for modification filed by the Union.

Signed this 21st day of March, 1990.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Richard E. Molan and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.